

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 07, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VICTOR MANUEL AGUIRE
RAMOS, *also known as* Victor Ramos,

Petitioner,

v.

JEFFREY PERKINS,

Respondent.

NO: 2:24-CV-00429-TOR

ORDER DISMISSING ACTION

BEFORE THE COURT is Petitioner's three-page "Response to Order for Petitioner to Show Cause Pursuant to 28 U.S.C. § 2244(d)," and a seven-page "Appendix," which includes the Court's prior Order. ECF No. 5. Petitioner, a prisoner at the Coyote Ridge Corrections Center, is proceeding *pro se* and *in forma pauperis*. Respondent has not been served.

In his Response, Petitioner Victor Manuel Aguire Ramos asserts, "The date on which the factual predicate of the claim or claims presented could have been

1 discovered through the exercise of due diligence is within the one-yers time limit
2 because the limitation period shall run from the latest July 1, 2024. This is the date
3 the factual predicate of the claims presented were discovered by the Petitioner and;
4 *the record in this case does not show the applicate was aware of the facts in totality
5 until on or about July 1, 2024. Through the Petitioner’s continued investigation
6 knowledge was obtained of the facts that are important. Prior to this date the
7 Petitioner did not “know” of the important facts. There for Section 2244(d)(1)(D).”
8 *Id.* at 1–2 (as written in original).

9 Petitioner’s invocation of the language of 28 U.S.C. § 2244(d)(1)(D), without
10 any factual allegations either identifying the “factual predicate” allegedly discovered
11 on July 1, 2024, or any facts demonstrating that it could not have been discovered
12 earlier through the exercise of due diligence, is insufficient to delay the running of
13 the federal limitations period.

14 **ACCORDINGLY, IT IS ORDERED:**

15 1. This action is **DISMISSED with prejudice** as time barred under 28
16 U.S.C. § 2244(d).

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1 2. The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal
2 from this decision could not be taken in good faith, and there is no basis upon which
3 to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A
4 certificate of appealability is **DENIED**.

5 The Clerk of Court shall enter this Order, enter judgment, provide copies to
6 Petitioner, and **CLOSE** the file.

7 **DATED** March 7, 2025.




THOMAS O. RICE
United States District Judge